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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,584	09/29/2000	John K. Kaltenmark	10022/043	3191

33391   7590   12/03/2004

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/676,584	KALTENMARK ET AL.
	Examiner	Art Unit	
	Djenane M Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/27/04, 9/2/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 2004/01071275 to Guheen et al.

a.   As per claim 1, Guheen et al teaches An operations architecture for a netcentric

computing system, comprising: a server connected with a client (See page 39, paragraph

[0921]); and a software distribution tool (See page 56, paragraph [1481]), a configuration

and asset management tool (See page 40, paragraph [0950]), a fault management and

recovery management tool (See page 84, paragraph [2373-2376]), a capacity planning

tool (See page 83, paragraph [2324], a performance management tool (See page 80,

paragraph [2231-2232]), a license management tool (See page 95, paragraph [2759-

2760]), a remote management tool (See page 80, paragraph [2324]), a event management

tool (See page 83, paragraph [2321-2322]) , a systems monitoring and tuning tool (See

page 97, paragraph [2830-2832]), a security tool (See page 44, paragraph [1099]), a user

administration tool (See page 91, paragraph [2625-2626]), a production control

application set (See page 85, paragraph [2396-2397) and a help desk tool supporting said

server and said client in said netcentric computing system (See page 83, paragraph [2324-

2326).

b.   As per claims 19 and 24 Guheen et al teaches an operations architecture for a

netcentric computing system, comprising: a server connected with a client (See 39,

paragraph [0921]); a software distribution tool for providing automated delivery to, and

installation of, an application on said server or said client (See page 56, paragraph [1481],

Software and data distribution tools enable automated distribution of data and software to

the workstations and servers in the development environment); a configuration and asset

management tool for managing a plurality of predetermined assets connected with said

netcentric computing system (See page 40, paragraph [0950]), Configuration

Management tools cover the version control, migration control and change control of

system components such as code and its associated documentation); a fault management

and recovery management tool for assisting in the diagnosis and correction of a plurality

of system faults in said netcentric computing system (See page 84 , paragraph [2373-

2376], when a negative event has been brought to the attention of the system,

actions are undertaken within Fault Management to define, diagnose, and correct

the fault); a capacity planning tool for monitoring a plurality of predetermined system

usage levels in said netcentric computing system (See page 85, paragraph [2395],

Capacity Modeling & Planning ensures that adequate resources will be in

place to meet the SLA requirements, resources can include such things as

physical facilities, computers, memory/disk space...); a performance management tool

for monitoring the performance of applications running on said netcentric computing

system (See page 80, paragraph [2232], Performance Management tools support

application performance testing…these tools monitor the real-time execution and

performance of software…they are also useful in identifying potential bottlenecks or

processing anomalies); a license management tool for managing and controlling license

information for applications running on said netcentric computing system (See page 95,

paragraph [2760], License Management ensures that software licenses are being

maintained throughout the distributed system and that license agreements are not being

violated); a remote management tool allowing support personnel from said netcentric

computing system to take control of said client (See page 80, paragraph [2324]);

a event management tool for handling a plurality of predetermined events in said

netcentric computing system (See page 83, paragraph [2321-2322], Event

Management receives, logs, classifies and presents event messages on a

console(s) based on pre-established filters or thresholds); a systems monitoring and

tuning tool for monitoring applications, middleware, databases, networks, clients and

servers (See page 97, paragraph [2830-2832], Provide real time monitoring and

interactive tuning of the environment. Monitoring capabilities include the ability to

measure CPU and disk utilization, memory occupancy, transaction response time…

Instance level tuning and configuration parameters (memory, I/O, journalling) to address

performance problems); a security tool that includes a security application that provides

security to said netcentric computing system (See page 44, paragraph [1099]) Security

Management tools provide the components that make up the security layer of the final

system, and may provide required security controls); a user administration tool for

administering users of said netcentric computing system (See page 91, paragraph [2625-

2626]); a production control application set for scheduling and handling a plurality of

production processes on said netcentric computing system (See page 85, paragraph 2396-

2367], Ensures that production activities are performed and controlled as

required and as intended. Production Scheduling determines the requirements for the

execution of scheduled jobs across a distributed environment); and a help desk tool

including a help application that provides users of applications on said netcentric

computing system with assistance (See page 83, paragraph 2324-2326], As with End

User Services in the centralized model, the Help Desk is the single point of contact for all

end users. This unit has end-to-end accountability for all user incidents and problems

(See page 83, paragraph [2324-2326]).

c.   As per claim 2, Guheen et al teaches wherein said software distribution tool

provides automated delivery to, and installation of, applications on said server and said

client (See page 56, paragraph [1481]).

d.   As per claim 3, Guheen et al teaches wherein said configuration and asset

management tool that manages a plurality of predetermined assets connected with said

netcentric computing system (See page 40, paragraph [0950]).

e.   As per claims 4, 20 and 25, Guheen et al teaches wherein said predetermined

assets may be selected from the group consisting of said server, said client, a product

license information file, a warranty information file, a vendor name file, a logical device

information file and a physical device information file (See page 93, paragraph [2681]).

f.   As per claim 5, Guheen et al teaches wherein said fault management and recovery

management tool assists in the diagnosis and correction of a plurality of system faults in

said netcentric computing system (See page 84, paragraph [2373-2376]).

g.   As per claim 6, Guheen et al teaches wherein said capacity planning tool

monitors a plurality of predetermined system usage levels in said netcentric computing

system (See page 85, paragraph [2394-2395]).

h.   As per claims 7, 21 and 26, Guheen et al teaches wherein said system usage levels

may be selected from the group consisting of server processing usage, server bandwidth

usage, server storage usage and client usage (See page 85, paragraph [2395]).

i.   As per claim 8, Guheen et al teaches wherein said performance management tool

monitors the performance of applications running on said netcentric computing system

(See page 80, paragraph [2231-2232]).

k.   As per claim 9, Guheen et al teaches wherein said license management tool

manages and controls license information for applications running on said netcentric

computing system (See page 95, paragraph [2759-2760]).

l.   As per claim 10, Guheen et al teaches wherein said remote management tool

allows support personnel from said netcentric computing system to take control of said

client (See page 80, paragraph [2324]).

m.   As per claim 11, Guheen et al teaches wherein said event management tool is

responsible for handling a plurality of predetermined events in said netcentric computing

system (See page 83, paragraph [2321-2322]).

n.   As per claims 12, 22 and 27, Guheen et al teaches wherein said predetermined

events may be selected from the group consisting of disk space indications, central

processing unit utilization indications, database error indications, network error

indications and file and print service indications (See page 83, paragraph [2322]).

o.   As per claims 13, Guheen et al teaches wherein said systems monitoring and

tuning tool monitors applications, middleware, databases, networks, clients and servers

on said netcentric computing system (See page 97, paragraph [2830-2832]).

p.   As per claim 14, Guheen et al teaches wherein said security tool includes

applications that provide security to said netcentric computing system (See page 44,

paragraph [1099]).

q.   As per claim 15, Guheen et al teaches wherein said user administration tool is

used for administering users of said netcentric computing system (See page 91, paragraph

[2625-2626]).

r.   As per claim 16, Guheen et al teaches wherein said production control application

set is used for scheduling and processing a plurality of production processes on said

netcentric computing system (See page 85, paragraph [2396-2397).

s.   As per claims 17, 23 and 28, Guheen et al teaches wherein said production control

application set may be selected from the group consisting of a print management tool, a

file transfer and control tool, a mass storage management tool, a backup and restore tool,

a archiving tool and a system startup and recovery tool (See page 85, paragraph [2396-

2397]).

t.   As per claim 18, Guheen et al teaches wherein said help desk tool provides a help

application for assisting users of applications on said netcentric computing system (See

page 83, paragraph [2324-2326]).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent Application No. 2001/0052108 to Bowman-Amuah teaches a system,

method and article of manufacture for a development architecture framework.

U.S. Patent No. 6,606,744 to Mikurak teaches providing collaborative installation

management in a network-based supply chain environment.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-

3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner